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Claim Objections

Claims 1-3, 5, 7-10, 13, 15 and 19-23 are objected to because of informalities.

All claims have been amended according to the requirements laid out in the Office Action.

Claim Rejections

Claims 1-3, 5, 7-10, 13, 15 and 19-23 are pending in this application. All claims have been rejected. These reasons for rejection are respectively traversed.

Claim Rejections – 35 USC § 112

Claims 1-3, 5, 7-10, 13, 15 and 19-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

All points raised by the Examiner have been addressed and the Claims amended accordingly.

Claim Rejections – 35 USC § 102

Claims 13, 15, 19, 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosenthal (US 2002/0133502 A1). The reason for the rejection of claims 13, 15, 19, 23 is respectfully traversed.

Background

Rosenthal (US 2002/0133502 A1) describes “a method of collecting participant replies into a database residing on a computer system... The replies are provided in response to questions selected by an overseer. The questions are grouped into question sets....The invention establishes data paths over communication networks for communicating the questions and replies. For each participant a next question in the list is determined based on the

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participant's previous replies.... After all the questions on the list are asked a report is created and forwarded to the overseer..." (Rosenthal, Abstract).

Rosenthal's Abstract describes a state-of-the art questionnaire methodology using a computer system for a single respondent. Questions are not dynamically generated, but pre-defined and dynamically selected, depending on the preceding responses (Rosenthal [0002] [0023] [0026] [0031][0032][0038][0084]-[0087][0126]). This art of question "branching" was state-of-the-art at the time of the invention and is discussed fully in the "Description of Related Art" of the current invention [0010].

The preferred embodiment of Rosenthal's invention is in Telemedicine (Rosenthal [0013]-[0018]) where data is collected from patients and fed into a Knowledge Base (Rosenthal [0022]). Rosenthal's invention does not have a strict guideline or methodology for deciding either the initial questions (the initial state) nor the next dynamically selected questions (Rosenthal [0028] [0029]) meaning that benchmarking can not be performed on the data collected.

Rosenthal's invention requires the "Overseer" (a human – Rosenthal [0025][0070]) to be present at the time of the survey and to participate and is also involved in selecting at least one question to be posed to the participant (Rosenthal [0033][0034]). This human intervention is necessary for Rosenthal's invention, but does mean that the questionnaire process is not repeatable and can not therefore be used in a meaningful Satisfaction Survey. This is discussed fully in the Brief Summary of the current invention [0019]. In the event that an Overseer is not present, the results from the session are still forwarded to the Overseer for their assessment and consideration (Rosenthal [0128][0129]).

Rosenthal's invention also puts no limit on the length of the questionnaire (Rosenthal [0037]) making it unsuitable for a Satisfaction Survey, where the length of the survey has a direct influence on the emotional state of the participant and therefore their emotional responses

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(and thus any perceived satisfaction). This is discussed fully in the Background of the current invention [0015].

Rosenthal's invention is intended to be used for assessing a patient in a medical environment (Rosenthal [0075]) and assists a human (such as a physician) in asking relevant questions of the patient. As such it is not intended to specifically measure emotional or rational responses of the patient to questions, to compare the results and to give a value for patient satisfaction, as with the current invention.

Rosenthal's invention is also able to collate all of this information in a central Knowledge Base (Rosenthal [0133]) which can, of course, be analysed using statistical means. However, this then requires a significant amount of input to give any meaningful output and must be interpreted by a human – two issues with state-of-the art data gathering applications such as Rosenthal's invention, which are prone to inaccuracy and misinterpretation. The current invention also overcomes these two problems and is discussed fully discussed in the Background of the current invention [0006][0011][0013].

For all of the above reasons, Rosenthal's invention is clearly a state-of-the-art questionnaire methodology which is not suited to performing a satisfaction survey. It is exactly these issues which are successfully overcome with the current invention. As such, the objections to the Claims of the current invention due to invention of Rosenthal et al. (US 2002/0133502 A1) have no basis. There is also no possibility for one of ordinary skill in the art at the time of the invention to anticipate the current invention based on Rosenthal's invention

RE claim 13:

Although Rosenthal describes a process for storing the responses from the participant to the first set of questions and processing them, these responses are used (at most) to select a pre-defined question from a second set of questions only (Rosenthal [0002] [0023] [0026] [0031][0032][0038][0084]-[0087][0126]). The re-organization of the records in another

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logical order or any relational manner (Rosenthal [0079]) refers solely to the initial state of the questions and bears no relevance to altering the questions during the questionnaire phase, as with the current invention. It is important to note at this stage that the next questions in Rosenthal's invention is selected dynamically (branching) – a standard questionnaire process with state-of-the art questionnaires. The questions are not dynamically defined as required by the current invention for a satisfaction survey. The current invention creates a second set of questions and does not select questions from a databank as with Rosenthal's invention. Also Rosenthal does not process the responses to the second set of questions as with the current invention, but purely records the responses in a database (Rosenthal [0030][0033][0075][0095][0097][0105][0107][0112][0128][0134][0172]) which are then used as the basis for the report to the Overseer.

Also Rosenthal's invention does not provide feedback in any form to the participant as stated in the Claim Rejection, unlike the current invention. The only output from Rosenthal's invention is for the Overseer.

The Claim Rejection also states that "Rosenthal further teaches self-report assessment wherein a respondent can create a self-report." This is not the case, as Rosenthal purely cites that there exists "a large complement of reliable and valid self-report or interviewer rated assessment instruments" which are not covered by Rosenthal's invention (Rosenthal [0168]). As such, there is no correlation between the methodology of Rosenthal and the methodology of the current invention. There is also no possibility for one of ordinary skill in the art at the time of the invention to anticipate the current invention based on Rosenthal's invention. The Claim Rejection therefore has no basis.

RE claim 15:

Rosenthal's invention provides no method to give the participant immediate feedback based on their inputs. A participant can not observe a "reply value" or weight associated with a

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question as cited in the Claim Rejection, as these are purely internal to the computer programme (Rosenthal [0123]).

Also Rosenthal does not teach the usage of his invention in a self-report mode, as it is not designed for this task.

There is no capability for Rosenthal's invention to give an output to the participant at the time of the questionnaire, as with the current invention, nor would it be possible for one of ordinary skill in the art at the time of the invention to anticipate producing a report for the participant. The Claim Rejection therefore has no basis.

RE claim 19

It is important to note that Rosenthal's invention uses state-of-the art questionnaire techniques to perform its function, including setting questions, recording responses, branching to new questions based on previous responses and recording the subsequent responses. Such results can only be statistically analysed with a significant volume of participants and are prone to human error, as the results must be assessed and summarised by a human. This is made even more inaccurate in Rosenthal's invention due to the necessary interaction of an Overseer. Rosenthal's invention uses the processes of a standard state-of-the-art questionnaire and inherits therefore all of its limitations. This is described and addressed fully in the Background and Brief Summary of the current invention.

The current invention was created to overcome these exact problems with state-of-the-art questionnaires, meaning the Claim Rejection has no basis.

RE claim 23

Rosenthal's invention provides a textual and graphical output for the participant only (Rosenthal, Fig 7a, 7b) and provides no means of summarising the responses from more than one participant, as with the current invention, as to do so makes no sense and is out of the

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such state-of-the-art solutions at the time of the invention. This is discussed above and is fully covered in the Background and Brief Summary of the current invention.

Rosenthal's invention describes a process to pose a (computer and human generated) selection of pre-defined questions to a single participant which is not, nor is it intended to be repeatable (so that the exact same questions will be posed to a second participant) (Rosenthal Abstract [0032][0033]). As such Rosenthal's invention can not be used, nor is it intended to be used to compare two participant's responses as with the current invention.

Rosenthal's invention requires a minimum of 2 sets of questions (Rosenthal [0033]) to be used unlike the current invention, where the quantity and structure of the questions is strictly defined.

The pre-defined questions in Rosenthal's invention are not ranked according to importance, as with the current invention, but are organized logically (Rosenthal [0079]).

Rosenthal's invention does not cater for, nor is it able to generate a question dynamically as with the current invention, but selects a pre-defined question dynamically (Rosenthal [0002] [0023] [0026] [0031][0032][0038][0084]-[0087][0126]).

Rosenthal's invention refers to ranking respondents (participants) in other embodiments of the invention [0176]-[0177] but does not refer to ranking the responses within the question sets as with the current invention.

Rosenthal's invention does not rank responses and can therefore not compare rankings as with the current invention. The comparison quoted in the Examiner's arguments refers to a comparison of a participant's current results with the same participant's previous results taken at an earlier time.

In addition, although Williams defines three sets of questions (with 70 questions in total) with the first set intended to generate an emotional response and the second set a rational response from the respondent (Williams, col 5, lines 28-32 lines 10-15), these sets are not based on similar statements, as required by the current invention. It would also not have been obvious

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Whereas Williams defines two sets of questions where the first set is intended to be answered emotionally and the second set rationally (Williams, col 5, lines 28-32 lines 10-15), both sets are the same type of question, meaning that if both sets of questions were in fact based on the same set of statements as with the current invention, both sets of questions would be exactly the same.

Also the type of question selected in Williams' invention intended to measure the rational response of the respondent is a selection type, where a value between one and seven is chosen by a respondent (Williams, col 5, lines 62-64). As discussed in the current invention ([0016]-[0017]), this form of question is easily influenced by human emotion and is recognised by Williams ("...a value between one and seven is assigned, to reflect the emotional intensity of the response"). This therefore obviously calls into question the validity of the rational responses of Williams' invention.

Re Claim 5:

The assertion from the Examiner that Rosenthal's invention in combination with Williams' invention anticipates Claim 5 of the current invention is incorrect for the following reason:

In Rosenthal's invention questions are not dynamically generated, but pre-defined and dynamically selected, depending on the preceding responses (Rosenthal [0002] [0023] [0026] [0031][0032][0038][0084]-[0087][0126]). This art of question "branching" was state-of-the-art at the time of the invention and is discussed fully in the "Description of Related Art" of the current invention [0010]. In the current invention, the questions for the second set are dynamically generated using a common set of statements.

Re Claim 7:

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The assertion from the Examiner that Rosenthal's invention anticipates Claim 7 of the current invention is incorrect for the following reason:

In the current invention the type of questions are defined so that they can only be responded to rationally. The questions are then dynamically generated from a set of pre-defined statements. In contrast Rosenthal's invention selects a pre-defined question from a pre-defined set, based on responses to previous questions posed. (Rosenthal [0002][0023][0029][0038][0126]). It would have been obvious to a person having ordinary skill in the art at the time of the invention that these are two totally different methodologies. The Examiner also incorrectly states that "since the answers to the survey are multiple choices, therefore a respondent can only choose (or forced to chose) rational response" (sic). Williams describes questions to which "a value between one and seven is assigned" (Williams, col 5, lines 62-64). As such, and by definition, such questions are heavily dependent on the respondent's emotional state and therefore not truly rational in their nature. This is fully discussed in the current invention ([0016]-[0017]) and is recognised by Williams ("...a value between one and seven is assigned, to reflect the emotional intensity of the response").

Re Claim 8:

The assertion from the Examiner that Rosenthal's invention in combination with Williams' invention anticipates Claim 8 of the current invention is incorrect for the following reasons:

Rosenthal uses "weighting" in his invention to prioritise the next pre-defined question to pose to the respondent (Rosenthal [0123]. In the current invention the "weighting" of the emotional response is calculated based on the responses to the first set of questions and is stored in order to calculate a value for a "Level of Conviction" at the end of the survey. Thus the term

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Re Claim 10:

The assertion from the Examiner that Rosenthal's invention in combination with Williams' invention anticipates Claim 10 of the current invention is incorrect for the following reasons:

In Williams' invention, the results from the first set of questions are ranked and presented as the emotional responses (Williams, col 5, lines 10-15). The results from the second set of questions are ranked and presented as the rational response (Williams, col 7, lines 18-35). However because of the limitations of Williams' methodology he is not able to use these two results in order to give a calculated value for respondent's satisfaction, nor does Williams' invention even attempt to. It would also not be possible for a person having skill in the art to take the results obtained from William's invention and to calculate a value for respondent satisfaction, as with the current invention. Also it needs to be re-iterated, that the rational responses from the second set of questions in Williams' invention are questionable, as they use a questionnaire format which is heavily influenced by the respondent's emotional state.

Re Claim 20-21:

The assertion from the Examiner that Rosenthal's invention in combination with Williams' invention anticipates Claims 20-21 of the current invention is incorrect for the following reasons:

Williams et al. (US 6,658,391 B1) is a "method and apparatus for understanding and predicting customer behavior" (Williams Abstract) and uses state-of-the-art questionnaire techniques such as 70 questions (Williams col 4 lines 12-20), statistical analysis requiring large amounts of data (Williams col 3 lines 8-17), human assessment for a meaningful output and the need for continual assessment to improve the statistical analysis (Williams col 7 lines 26-29). These issues are discussed fully in the Background and Brief Summary of the current invention and are the basic reasons why the methodology can not be used to generate a

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Williams' invention does not provide the ability to add the results of either the first set (emotional) or second set (rational) of questions to the corresponding results from other respondents and thereby calculate an emotional value and a rational value for a plurality of respondents, as with the current invention. Instead Williams' invention calculates values which may be plotted on a graph together with other respondents' results (Williams Figure 2). In addition the Examiner states that Rosenthal compares two results and mathematically assigns a value for satisfaction based on those two results, which he doesn't, nor does it make sense to for Rosenthal's invention. Rosenthal's invention simply records the responses to the pre-defined posed questions.

Furthermore, as stated previously, Rosenthal uses "weighting" in his invention to prioritise the next pre-defined question to pose to the respondent (Rosenthal [0123]). In the current invention the "weighting" of the responses is calculated based on the responses to a set of questions and is stored in order to calculate a value for a "Level of Conviction" at the end of the survey. Thus the term "weighting" means different things in Rosenthal's invention and the current invention.

This would be evident at the time of the invention to a person having ordinary skill in the art.

Summary of claim amendments:

Claim 1 has been rewritten in light of the objections raised by the examiner.

Claim 5 has been rewritten in light of the objections raised by the examiner

Claim 10 has been rewritten in light of the objections raised by the examiner

Claim 13 has also been rewritten to address the Claim Rejection – 35 USC §112

Claim 15 has also been rewritten to address the Claim Rejection – 35 USC §112

Claim 19 has also been rewritten to address the Claim Rejection – 35 USC §112

Claims 20 - 23 have been rewritten to emphasise that values are assigned mathematically by calculating numerical values. This seems to have been unclear.

- In addition references to the claims in the specification have been removed.